

# **EXHIBIT 5**

CLARK COUNTY SHERIFF'S OFFICE, WASHINGTON  
UTILITY REPORT

CASE #84-8506  
SUPPLEMENTAL RPT

1ST DEGREE STATUTORY RAPE, RCW 9A.44.070

LOCATION OF INCIDENT: 17681 NE Lucia Falls Road  
Yacolt, Washington

DATE OF INCIDENT: Refer to Summary

DATE & TIME: 03-25-85 9:55 AM

LOCATION: CCSO, Investigation Unit

INCIDENT: Interview with Victim

VICTIM: SPENCER, Matthew Ray dob: 11-28-75  
aka: Matt  
3930 Becerra Way  
Sacramento, California phone: (916) 482-6057

SUSPECT: SPENCER, Clyde Ray dob: 01-09-48  
aka: Ray SPENCER  
17681 NE Lucia Falls Road  
Yacolt, Washington phone: 687-2407

ATTACHED

DOCUMENTS: #1 - Copy of a cartoon drawing used during my  
conversation with the above listed victim regarding  
what he called specific parts of his body.

SUMMARY:

On March 24, 1985, Deanne SPENCER, who is the natural mother of the above listed victim, Matt SPENCER, drove her children, Matt and Kathryn, to Vancouver for the purpose of my interviewing them regarding information that I developed during an interview with Matthew Alan HANSEN, where Matthew HANSEN indicated that Ray SPENCER had not only been sexually involved with Matt and Kathryn SPENCER, he also had reportedly forced the children to have sexual contacts with each other.

When Deanne SPENCER drove her children from Sacramento to Vancouver, Washington, she was accompanied by her mother, Mrs. Phyllis DAY, who also resides in Sacramento, California.

I met with Deanne SPENCER, her mother, and the SPENCER children on the morning of March 25, 1985 at the Clark County Sheriff's Office. With the permission of Deanne SPENCER, the interview with Matt SPENCER was done in an interview room located in the Clark County Sheriff's Office, Investigation Unit, with only Matt and I present.

During my initial conversation with Matt SPENCER, I advised him as to why he was at the Sheriff's Office and why his mother had brought him and Kathryn to Vancouver, specifically, that during my investigation I had obtained information that possibly Matt (SPENCER) had also been victimized by his father, Ray SPENCER. Matt advised me that he "knew why he was here, but nothing ever happened to him." I talked with Matt for several minutes reference why it was important for him to tell me if something had happened, specifically, that first it was extremely important for Matt to be able to talk about it, and secondly, it was important that we were able to deal with his father so no other children would be victimized. Matt indicated that he knew his father had been arrested again because his mother had told him, and he was also aware that the second arrest resulted after Matt HANSEN had indicated that he had also been "touched by Ray SPENCER."

During the initial part of my contact with Matt SPENCER, he appeared to be extremely nervous and exhibited signs of a lot of anxiety. Specifically, Matt was squirming, all over the chair he was sitting on, there were times when he was sitting under the chair with his elbows resting on the seat portion, at one point he had an extra chair on the room balanced on his

head, Matt was partially under the table at times, and other times a portion or all of his body was on top of the table. I observed Matt's face to be blushed and several times he indicated he was "thirsty and his mouth was dry." When Matt expressed some discomfort because he was thirsty, he accompanied me to the squad room of the Sheriff's Office where I purchased a pop for him to drink.

At one point during the interview I indicated to Matt that because we were going to be talking about bodies, it was important that I know what he called things so he would know what I was talking about and I would understand what he was talking about. Matt indicated that he remembered my using a cartoon drawing when I talked with him at the hotel in Sacramento. During our conversation Matt indicated that he calls breasts on a female body "breasts, titties or boobs," the navel a "belly button," the buttocks a "bottom," the penis on a male body a "penis," and the genital area of a female body a "vagina."

When I began to specifically talk with Matt about the possibility of him also being a victim, Matt advised me several times that "nothing ever happened to him." I asked him if there was a possibility that something could have happened a long time ago that he was having difficulty remembering. Matt immediately replied, "I don't know if it did; it would have been a long, long time ago." Matt and I talked for several more minutes about the possibility of him being a victim and he continued to deny that anything had ever happened. I asked Matt if he thought his father needed help and had a problem and Matt stated, "He does need help." I indicated to Matt at that time: "If I were to steal a package of gum, that would not be a good thing for me to do. If I were to steal ten packs of gum that would mean I had a big problem. However, if I were to steal a hundred packs of gum that would mean I really needed help." I asked Matt if he thought his father needed a little help or a lot of help. Matt stated, "He needs a lot of help." I asked Matt if his father needed help for one thing happening or more than one thing happening, and Matt stated, "He needs help for lots of things that happened." I asked Matt if he could tell me what his father needed help for, and Matt stated, "He needs help for what he did to Kathryn and Little Matt." I asked Matt if he believed what Kathryn and Little Matt had said and Matt stated immediately, "They wouldn't lie. I believe them." I asked Matt if his father needed help for one person, two

persons or more than that and Matt stated, "He needs it for more than that." I asked Matt who the first person his father would need help for, and Matt stated, "For what he did to Kathryn." I asked him who the second person would be that his father would need help for and Matt stated, "For Little Matt, because he did it to Little Matt, too." I asked him if his father needed help for anyone else and at that time I observed Matt shake his head in a yes response. I asked him who that person was and Matt stated, "I don't know, he just needs a lot of help."

I asked Matt if he thought his father needed help for only doing something to Kathryn's body one time or for doing something to Kathryn more than once. Matt responded, "He needs help for doing things to Kathryn and Little Matt a lot more than one time." I asked Matt how he knew something had happened more than one time with Little Matt and Kathryn, and Matt stated, "Because they said it did and they wouldn't lie." I asked him if he had ever seen anything happen and he shook his head in a no response.

At that point during the conversation Matt asked me if "I was about through asking him questions." I indicated to Matt that I needed to him to talk with me longer because it was important that I know everything that happened. There were several times during our conversation that morning when Matt would ask if I was done asking him questions.

Matt continued to deny that anything had happened to him; however, he was real adamant that Little Matt and Kathryn were telling the truth about what his father had done to them. He was also very adamant about his father "needing lots of help." Several times during the initial part of the conversation Matt indicated that something had happened between his father and Kathryn and Little Matt a number of times; however, he would indicate that he had not seen anything, only believed what the other children were saying.

During my interview with Matt I was attempting to be cautious about leading him or asking him any specific questions; however, I was still very uncomfortable because of the way Matt was responding to me. I felt possibly there was something Matt was not sharing with me. I asked Matt how he was feeling about his father and Matt stated, "I don't really feel anything. I don't ever want to see him again." I asked him if he could tell me why he was

feeling like that and Matt stated, "Because I don't like what he did to my sister and brother and I don't ever want to see his face again."

At one point in the conversation I indicated to Matt that I was extremely concerned that possibly something was happening to him or that he may have seen something he was not telling me, and if he were to leave without sharing it, I knew it would bother him, and that I did not think that was fair to him. Matt indicated that "nothing was bothering him." I told Matt, "I wish I could be something that could get inside of his head and tell for sure whether anything had happened." I assured Matt that I was not doubting his word or thought he was a "liar;" however, based on the number of children I dealt with I knew that very often children were reluctant to tell because of fears they had. I indicated to Matt at that time that with older people we could use a lie detector test to tell for sure if they were telling the truth or if they were not telling the truth, because they were afraid or because they really had done something they weren't supposed to. I asked Matt if he knew what a lie detector was and he indicated he did not. At that time I attempted to explain in terminology that Matt could understand, what exactly a lie detector was. At the point I stated, "And I wish I could give you that test so I wouldn't worry about something having happened to you and you being afraid to tell," Matt immediately blurted out, "I wouldn't take that test, I hate test." I assured Matt that he was not old enough to take that test; however, I did advise him I wished he were older so I wouldn't be worried about him and would feel better knowing that nothing had ever happened to him.

At that point in the interview Matt asked me, "What's going to happen to my dad?" I advised Matt that I felt we had a problem. Specifically, I had Kathryn and Matt saying something had happened to them and also Matt indicating that possibly "Big Matt" was also a victim. I indicated to Matt that if his father "needed help" there were only two ways we could do that. One was for his father to admit, which he was not doing, and the other was for us to go to trial and tell a judge and jury what his father had done so the court would force him to get help. Matt stated, "He needs help." I indicated to Matt that I could not make his father get help, that it would be up to a judge if his father did not admit. Again, Matt indicated that nothing had happened to him.

At that time I stated to Matt that I felt I only had one recourse and that was to find out why "Little Matt was lying about something happening to Big Matt." I indicated to Matt that I was going to call Shirley SPENCER and have her bring Little Matt to my office so I could find out why he said the things he had about "Big Matt." At that time I observed Matt SPENCER become agitated and very confrontive when he stated to me, "He is not lying to you." I asked Matt, "What does that mean, Matt?" Matt stated, "Little Matt is not lying. He is telling you the truth." I asked him what Little Matt was telling the truth about and Matt stated, "About me, cause my dad did it to me, too, and Little Matt and Kathryn are telling the truth."

I asked Matt what was the hardest part about telling and Matt stated, "The hardest part is that it might be all my fault." I talked for several minutes to Matt and reassured him that none of this was the fault of the children. I indicated to him that it was important that he was able to tell, and for him to not feel like he was responsible for anything that was happening. I also indicated to Matt that I did not think he was not telling me because he "was a liar" but that it was extremely difficult for children to tell sometimes, and also sometimes children "sort of forget about things that had happened." Matt stated to me, "Well, he and Kathryn aren't lying and I guess maybe I sorta forgot, but I really didn't. I was just scared I'd get into trouble." I asked Matt if he was starting to remember more things and Matt stated, "Yah, I remember a lot of things, but a lot of things I don't think I remember."

At that point during the conversation I assured Matt again that he was not in any trouble for not telling what happened, and indicated to him that when children don't tell it is not because they are "liars," it is just because it's so hard for children to tell about those things, and to talk about them. Matt stated to me, "I know who's the liar, he is." I asked him who he meant and he said, "Ray SPENCER. He's the liar. Why can't he tell what really happened, and tell the truth?" I indicated to Matt that I didn't really understand, but that it was very difficult for grownups to admit when they had touched children in a way they shouldn't. I asked Matt how he was feeling about his father and Matt stated, "I don't feel anything. I don't even ever want to see his face again."

I asked Matt if he could remember the last time something happened with his father and Matt indicated that it occurred "at the new house." I asked him who was there when it happened and Matt stated, "All of us were there." I asked him who "all of us" meant and Matt stated, "Me, Kathryn and Little Matt, and my dad. And he did something to everyone of us." I asked Matt if he could remember how he was feeling when the last thing happened and Matt stated, "I was scared and I always was, cause he's big and he can really be mean to you." I asked Matt what he, Little Matt and Kathryn were wearing when something happened and Matt stated, "He makes us take our clothes off every time and my dad takes his clothes off, too." Matt then stated, "I don't even want to call Ray SPENCER my dad anymore, because I hate him for what he did."

Again, Matt and I talked about why people bigger than children touch children, and after Matt had calmed down we talked more about what had occurred. I asked Matt if he could remember what happened during that last time in the new house and Matt stated, "He put his penis in my bottom and in Kathryn's bottom and in Kathryn's front hole and he puts it in Little Matt's bottom, too, and that really hurts us, and I hate him." I indicated to Matt that he had a right to be angry about what his father had done and assured him that it was okay for him to have feelings about what had happened, and for him to express those feelings. Matt stated, "I bet Kathryn and Little Matt hate him, too, because he really hurt us. I know Kathryn hates him." I asked Matt if anything else happened that last time and Matt stated, "He makes all of us put our mouth on, you know, those parts." I asked him if he could tell me for sure what happened so I wouldn't be mixed up and asked him what Kathryn had to put her mouth on. Matt replied, "On my penis and on Little Matt's penis. See what I mean." I asked Matt what he had to put his mouth on and he stated, "He always makes me and Little Matt put our mouth on Kathryn's vagina and she hates it, and we hate it, too."

I asked Matt if he knew where Shirley was when that happened and asked, "Was she at home?" Matt stated, "She was probably at work cause that's where she was most of the time. He always did it when she wasn't there."

I asked Matt how old he was now and he stated, "I was nine in November." I asked him how old he was the last time something happened



and Matt stated, "I was eight. It was last summer at the new house." I asked Matt if it happened when he was seven and Matt stated, "Yah, it did, because that's when we lived in the brown house and he did it then, too, and he did it to Katie and Little Matt in the brown house." I asked him what happened in the brown house and Matt stated, "He always does the same things. He did the same things to us then, and he'd probably do it to us now if he could get his hands on us." I asked Matt if anything happened to his "bottom" in the brown house and Matt stated, "Yah, I said the same things. He sticks his penis in our bottoms and he makes us stick our fingers in each other's bottoms, and he always makes us lick on Kathryn."

I asked Matt if his father ever said anything to him about telling and Matt stated, "He told me not to tell, and he says it really mean, and he hurts us, and I know he'll really get me if he can get his hands on me." Matt and I talked for several minutes about whether or not his father could "get his hands on him." I advised Matt that at this point his father did not know where he and Kathryn were even living because he did not have their address. I also advised Matt that if, at any point, his father were to be released from jail I would notify his mother immediately. When we finished talking about that, Matt seemed to be more comfortable; however, when we were discussing the possibility of his father being released at some point in time, Matt appeared to be very nervous and at one point was even shaking.

I asked Matt if he ever had to touch his father's body and Matt stated, "Yah, Ray always makes me stick my penis in his butt and he makes us stick our fingers in his bottom, and he makes Little Matt do that, and Kathryn just has to stick her fingers in his bottom." I asked him when that happened the last time and Matt stated, "At the new house." I asked him if he had to touch his father's body in any other way and he stated, "I have to suck his penis. We all have to do that."

I asked Matt if he had to touch anybody else's body and Matt stated, "Just what I said. Me and Little Matt have to put our penises in Kathryn's bottom, and in her vagina." I asked him when the last time was that that happened, and Matt stated, "At the new house when he has us take our clothes off." I asked him how many times that happened last summer and Matt stated, "Everytime Shirley was gone he did it to us." I asked Matt if he could

remember anything anyone said when that was happening, and Matt stated, "We all just cried cause it hurts us, and we hate it, and he just says mean things and tells us we'd better not say anything."

I asked Matt if he saw his father touch anyone besides him at the new house and Matt stated, "He puts his penis in Kathryn's vagina." I asked him how many times he saw that and he stated, "About everytime Shirley was not around, and he puts it in her bottom, too, and he does that everytime." Matt then stated, "Kathryn really cries and we all cry." I asked him what his father would say about the crying and Matt stated, "He just hollers at us to 'cut the crap'." I asked Matt what kind of things his father would holler and Matt stated, "He hollers cuss words and mean things." I asked Matt if he could remember anything his father might have said or what the cuss words were and Matt stated, "He says the F-work, you know, fuck, and he says shit and stuff like that, and I hate him."

I asked Matt if his father ever did anything that hurt his body and Matt stated, "Yah, he hurts my bottom. He sticks his fingers in there and his penis in there and that hurts." I asked Matt if he ever saw anything come out of his father's penis when he was doing things and Matt immediately blurted out, "I don't remember that." During that portion of the conversation I bent my pointing finger on the right hand at the first knuckle and stated to Matt, "Boy's penises hang down little like this. Is that how your father's looked?" Matt stated, "His doesn't hang down. It goes straight out like it's really hard, and then that makes it hurt more."

I asked Matt if his father ever did anything else that hurt him and Matt stated, "It hurts when he slaps us." I asked him why his father slaps him and he stated, "He slaps all of us cause we cry, and he gets mad, but it hurts and you can't help crying."

I asked Matt if he ever had to touch Little Matt and Matt stated, "He makes us all touch each other, and I have to put my mouth on Little Matt's penis and Kathryn has to do that, and I had to put it on my dad's penis, and it's just the same things over and over." When Matt told me that he said it in a very angry tone. Matt then stated, "I think I already told you everything, but did I tell you he makes us put our fingers in his bottom? And we have to stick our fingers in each other's bottom, isn't that sick?" I told Matt

that it was "sick" and I was so sorry that that happened to him, but I was glad that he was finally able to tell.

I asked Matt how he was feeling about telling and Matt stated, "I feel a lot better. I just hate him." Matt and I talked for several minutes and then I asked him where he would be when these things would happen at the new house. Matt stated, "In his room, in my dad's room, you know, Ray's. I'm not calling him dad. He has a big waterbed and that's where he would do it." I asked Matt if it ever happened anyplace else in the house and Matt stated, "In the bathroom, and downstairs, and the downstairs bathroom is where the shower is and he did it to me there in the shower, too." I asked him what happened in the shower and Matt indicated that his father "made him touch his penis." I asked him what he had to touch his father's penis with and Matt stated, "With my hand. He makes me grab onto it." I asked him if anything else happened in the shower and he stated, "He touches my penis with his hand, too, and he wants me to move my hand when I do that."

I asked Matt if he had ever gone camping with his father, and he indicated that he did during the summer visit. He and his dad had gone to Battle Ground Lake. He also advised that they had stayed one night in the tent. I asked Matt where he slept and he stated, "Right by him." I asked Matt if anything happened when they were camping and Matt stated, "I can't remember; he might have done something when I was asleep, but I don't remember."

I asked Matt if his father said anything to Little Matt and Kathryn when things were happening and Matt stated, "He says mean things to Little Matt, and he says the same things to us. He just says a lot of mean things." I asked him if his father said mean things about anybody else, and he stated, "He talked about private stuff, about Shirley, and he says mean things about her, too." I asked him if he could remember what his father would say about Shirley and he stated, "He'd say nasty things about Shirley, and she's really nice." I asked him if he could remember anything specifically that his father had said and Matt advised that he couldn't remember; he just remembered that they were "nasty and not nice." Matt then stated, "He said he really didn't even like Shirley."

I indicated to Matt at that time that I wanted to make sure I had written down everything and asked him what he saw happen to Kathryn

by his father. Matt stated, "Well, mostly he just puts his finger in her vagina and his penis in her vagina and then he puts his penis in her bottom and his fingers in there, and then he puts his mouth on her vagina and he makes Kathryn suck on his penis."

At that time Matt asked me if I "knew why Kathryn didn't tell me about him and the rest of the stuff before." I indicated to him that I wasn't real sure why Kathryn hadn't told me, but maybe she wanted him (Matt) to do it instead of her telling." Matt stated, "It's because I told Katie not to say anything and she promised she wouldn't."

I asked Matt if anything ever happened when just he and his father were there and Matt stated, "Most of the time he does it with all of us but sometimes he just does it to us alone." I asked him if it would happen during the nighttime or daytime and Matt stated, "Mostly, I think it was about daytime. It was just when Shirley was at work." I asked Matt if his father ever showed him any pictures or books that weren't nice and Matt stated, "He has me look at pictures in books of naked people." I asked him if he could remember the name of the book and Matt stated, "No, I didn't even like looking at the pictures, and then he'd say words like shit and stuff like that when he'd look at the pictures." Matt then stated, "I think that shit word might have been in the book but I don't really remember."

I asked Matt if anything else his father did hurt him and Matt stated, "It would hurt my tongue when I had to put my mouth on his penis." I asked Matt what his father called a penis and Matt stated, "He calls it a dick." I asked him if he could remember what his father called a vagina and Matt stated, "He calls it this different word. It starts with a P." Matt appeared to be thinking and then he blurted out, "Pussy, that's what he calls it, a pussy." I asked Matt if his father called a bottom anything besides a bottom and Matt shook his head, indicating a yes response. I asked him what his father called a bottom and Matt spelled A-S-S. I asked Matt what his father would call breasts on a female body and Matt stated, "Tits."

I asked Matt if he remembered when his father did things to Kathryn and he indicated he did. I asked him if Kathryn would be standing up or sitting down or what when they happened, and Matt stated, "Sometimes my sister was sitting and my dad was sitting, and then sometimes he'd be on the bed

and she'd be laying down, or sometimes when he put it in her bottom she'd have to stand up." I asked him what he and Matt would be doing, like would they be sitting down or what, and Matt stated, "The same as Kathryn, just whatever he decided we had to do." I asked Matt if he had ever had to stand on something when something was happening and Matt stated, "Just on our feet."

During the remainder of my interview with Matt, we reviewed what he had told me before and Matt was not able to provide me with any additional details. He was consistent in what he had shared before regarding the sexual contacts between he, his father, Kathryn and Little Matt. Matt was not able to isolate specific incidents with the exception of indicating that the same type of contacts occurred "almost every time Shirley was out of the house." Reference what had occurred while they were living in the "brown house," Matt related that the sexual contacts were the same that had occurred in the house located on Lucia Falls Road. (Shirley SPENCER advised that the brown house described by the children was located at 13105 NE 33rd Circle, Vancouver, Washington.)

Matt and I talked for several minutes prior to terminating our conversation about how he was feeling, what was going to happen to his father, his feelings about his father, and during that time I assured him several times that none of the children were in any trouble and also assured him that it was not their fault.

I asked Matt if he wanted his mother to know what had happened and Matt did not respond. I asked him if it would be easier for me to tell her so he didn't have to say the words, and Matt was eager for me to do that. Matt also advised me that he "wanted his grandma to know, too, and wanted me to tell her." I asked Matt if he would like me to call him therapist in Sacramento and tell her, and Matt also was very eager to have me do that.

At that time my conversation with Matt was terminated.

After I talked to Matt, I had his mother and grandmother come into the room, and without Matt present I shared with them what specifically Matt had told me during my interview. After I had talked with Deanne SPENCER and Mrs. DAY, I had Matt come back into the room and in the presence of all three, I assured Matt, as did his mother and grandmother, that

he was not in any trouble, and that they were proud of him for telling, and they understood how difficult it was. The interaction between Deanne SPENCER, Phyllis DAY and Matt appeared to be very appropriate. At one point, Mrs. DAY cried and she advised Matt that people cried because they were happy and sad. Matt stated, "You're sad because it happened but you're happy that I told, right?" Mrs. DAY indicated that was exactly why she was crying.

With Mrs. DAY, Deanna SPENCER and Matt present, I indicated to Matt that I wanted to make sure that I had told them everything and at that time repeated in detail what Matt had shared with me during my interview with him.

ADDITIONAL:

On the morning of 03-26-85 while all of the children in this investigation and Deanne SPENCER, Shirley SPENCER and Phyllis DAY were in my office, Phyllis DAY advised me that after they left my office on the 25th, Matt SPENCER told her that he "was telling his self the whole way up here that he wasn't going to tell me (KRAUSE) anything about what happened to him." He also told her that he "really felt better since he had told."

This investigation is pending.

CASE NUMBER 84-8506

DATE / TIME: 3/25/85

LOCATION: CLSO

VICTIM: Matt Spencer

SUSPECT: Ray Spencer

Reporting Officer: A. Krause

